## **United States Department of Labor Employees' Compensation Appeals Board**

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S.B., Appellant	)
and	) Docket No. 12-1434
U.S. POSTAL SERVICE, POST OFFICE, Absecon, NJ, Employer	) Issued: February 27, 201
Appearances: Appellant, pro se	)  Case Submitted on the Record

Office of Solicitor, for the Director

## **ORDER REMANDING CASE**

Before:
RICHARD J. DASCHBACH, Chief Judge
COLLEEN DUFFY KIKO, Judge
PATRICIA HOWARD FITZGERALD, Judge

On June 22, 2012 appellant filed a timely appeal of a June 8, 2012 merit decision of the Office of Workers' Compensation Programs (OWCP). The appeal was docketed as No. 12-1434.

The June 8, 2012 OWCP decision denies appellant's February 15, 2011 claim for an emotional condition. OWCP noted that she had claimed harassment and bullying from management and other employees, including a noose that was hanging in the office. In the June 12, 2012 decision, it reviewed the evidence of record and found that appellant had not established that the claimed emotional condition occurred during the performance of duty. As part of its conclusion, OWCP stated that "most of your claimed factors of employment, including the noose and the harassment by management in 2010 have already been claimed under your other claim for an emotional condition filed on January 24, 2010 (case file number xxxxxx247)."

The Board finds that, if appellant has filed a prior claim with similar allegations, then the case records must be combined for a proper adjudication of the issues. It is not clear whether there is relevant evidence as to the alleged work factors discussed in the present case that are located in the prior claim. It is also unclear as to whether all of appellant's current allegations have been adjudicated in the prior claim. As the Board noted in *R.W.*, all the records pertaining to the claim are necessary for complete consideration and adjudication of the issues presented on

appeal.<sup>1</sup> The case will be remanded for proper consolidation of the case records. After such further development as OWCP deems necessary, it should issue an appropriate merit decision to protect appellant's appeal rights.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated June 8, 2012 is set aside and the case remanded for further action consistent with this decision of the Board.

Issued: February 27, 2013 Washington, DC

Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>1</sup> Docket No. 12-287 (issued July 26, 2012) (case was remanded for proper consolidation of case records).